

REMARKS

In the patent application, claims 1-36 are pending. In the office action, all pending claims are rejected.

Applicant has canceled claims 8, 18 and 35, and amended claims 1, 5, 9, 11, 15, 19, 21, 26, 32 and 36.

Claims 5, 9, 15, 19 and 36 have been amended to change the wording of the claims.

Claims 1, 11, 21, 26 and 32 have been amended to include the limitation that the sampling rate of the streaming data is adjusted in the server in the rate adaptation. The support for the amendment can be found in the original claim 8.

No new matter has been introduced.

At section 2 of the office action, claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by *Ravi et al.* (U.S. Patent No. 6,292,834, hereafter referred to as *Ravi*).

Applicant has amended independent claims 1, 11, 21, 26 and 32 to include the further limitation that the sampling rate of the streaming data is adjusted in the server in the rate adaptation. This further limitation is in the original claim 8.

In rejecting claim 8, the Examiner states that *Ravi* discloses that the adapting comprises an adjustment of a sampling rate (col.8, lines 26-45, computing and adjusting playtime).

It is respectfully submitted, in the claimed invention, the adapting of the data amount is carried out in the server (claim 1) and the adapting comprises the adjustment of the sampling rate. Thus, the adjustment of the sampling rate is in the server.

Ravi only discloses an Adjust_Bandwidth procedure 400 (see Figure 4), in which the client sends either a Reduce_Bandwidth message (step 537 of step 430, Figure 5C) or a Increase_Bandwidth message (step 552 of step 450, Figure 5E) to the server so as to cause the server to adjust the transmission rate. Regarding the client, *Ravi* discloses adjusting in the client the Upper INC_BW threshold and the DEC_BW threshold in the computation of the performance variables (step 410 in Figures 4 and 5A). The adjustment and the determination of the Upper INC_BW and DEC_BW is used to determine whether the transmission should be increased or decreased (column 3, lines 15-25). In the above-mentioned adjusting steps, only

the adjustment of the transmission rate is carried out in the server. All of the other steps are carried out in the client.

In Figure 4, *Ravi* discloses how the client determines whether the transmission bandwidth should be increased or decreased. In the determining, the client also computes performance variables at step 410. The detail of step 410 is illustrated in Figure 5a. Among the steps involved in computing the performance as shown in Figure 5a, the variables Playtime and Delta_Playtime are computed at step 513. The detail of step 513 is illustrated in the flowchart as shown in Figure 7a. The flowchart includes setting Playtime to be equal to Due_time of last packet in Payout_Buffer 366 at step 710; determining the change in the size Payout_Buffer 366 at step 720 and setting the Delta-Playtime to be equal to the difference between Playtime and the Playtime at last invocation of Adjust_Bandwidth procedure at step 730 (col.8, lines 26-35). The change in the size of Payout_Buffer 366 is determined by the client computer 240. The variable Playtime provides absolute and relative measures of the size of the Payout_Buffer 366, whereas the variable Delta_Playtime provides the same measures of the number of packets in the Payout_Buffer 366 (col.8, lines 35-48). Thus, all the steps involved in determining whether the transmission bandwidth should be increased or decreased are carried out in the client. *Ravi* does not disclose or suggest that the server adjusts the sampling rate in the rate adaption between the server and the client.

For the above reason, *Ravi* fails to anticipate independent claims 1, 11, 21, 26 and 32

As for claims 2-7, 9, 10, 12-17, 19, 20, 22-25, 27-31, 33, 34 and 36, they are dependent from claims 1, 11, 21, 26 and 32 and recite features not recited in claims 1, 11, 21, 26 and 32. For reasons regarding claims 1, 11, 21, 26 and 32 above, it is respectfully submitted that *Ravi* also fails to anticipate claims 2-7, 9, 10, 12-20, 22-25, 27-31, 33, 34 and 36.

CONCLUSION

Claims 1-7, 9-17, 19-34 and 36 are allowable. Early allowance of claims 1-7, 9-17, 19-34 and 36 is earnestly solicited.

Respectfully submitted,



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